

Notice of Allowability

Application No.

10/630,314

Examiner

Patricia Hightower

Applicant(s)

SHALABY ET AL.

Art Unit

1711

Ex Amk
B

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the preliminary amendment filed 7/30/2003 & the TD filed May 14, 2005.
2. ☒ The allowed claim(s) is/are 9-17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In The Specification:

At page 1, the first sentence of the specification amend as follows:

This a divisional application of U.S. Serial NO. 10/003,640, filed November 2, 2001, which is a continuation-in-part of U.S. Serial No. 09/698,527, filed October 27, 2000, now U.S. Patent No. 6,462,169.

In The Claims:

This application is in condition for allowance except for the presence of claims 1-8 to an invention withdrawn from consideration by the applicant in the preliminary amendment filed July 30, 2003 non-elected by the applicant indicative by the withdrawal of claims 1-8 which is being treated by the examiner as an election by original presentation without traverse. Accordingly, claims 1-8 have been cancelled.

Cancel Claims 1-8.

Reasons For Allowance

The following is an examiner's statement of reasons for allowance:

In view of the applicant's **preliminary amendment filed July 30, 2003 and the terminal disclaimer filed May 24, 2005** the instantly claimed sealing device for **puncture in a blood vessel comprising a first flexible sealing member positionable inside the blood vessel immediately adjacent to the puncture an**

Art Unit: 1711

elongated member comprising a composite having an axial direction, a cross-sectional diameter, a proximal end and a distal end, the elongated member further comprising a distal locking portion comprising an enlarged cross-sectional diameter at the distal portion which extends outwardly from the punctured blood vessel when the first sealing member is positioned within the blood vessel and immediately adjacent to the puncture and a second flexible sealing member threadable onto the elongated member by an opening, the second sealing member comprising locking means for locking onto the distal locking portion of the elongated member in which the second sealing means is locked onto the elongated member on the outside of the blood vessel immediately adjacent to the puncture thereby sealing the puncture; such is allowable because the prior art does not teach nor fairly suggest such.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia Hightower whose telephone number is (571) 272-1073. The examiner can normally be reached on M-F from 9:30 A.M. - 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1711

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


P. Hampton Hightower
Primary Examiner
Art Unit 1711

P. Hightower:ph
September 03, 2005